

Appl. No. 09/687,151
Amdt. dated February 17, 2006
Preliminary Amendment

PATENT

REMARKS/ARGUMENTS

Amendments

The specification is amended to correct the page numbering and several oversights that are grammatical, clerical or typographical in nature. The claims are modified in the amendment. More specifically, claims 1, 9 and 12 have been amended, claims 14-20 and 23 have been cancelled, and new claims 24-30 have been added. Therefore, claims 1-13, 21, 22 and 24-30 are present for examination. Applicant reserves the right to pursue any canceled or withdrawn claims in a continuing application without any prejudicial effect. No new matter is added by these amendments, which are fully supported by the specification. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §103 Rejections

The final Office Action and the Advisory Action has rejected claims 1-13 and 21-22 under 35 U.S.C. §103(a) as being obvious over the cited portions of U.S. Patent No. 5,530,754 to Garfinkle (hereinafter "Garfinkle") and the cited portions of U.S. Patent No. 5,721,815 to Ottesen et al. (hereinafter "Ottesen"). Applicants note once again that the Office substantively cited Ottesen, but has not made this reference part of the official record. As Applicants would like this reference to appear on the face of the issued patent, initialing of the PTO/SB/08A form provided with the Pre-Appeal Brief Request for Review is respectfully requested.

The arguments presented in the Pre-Appeal Brief Request for Review are not reiterated here. Applicants wish to add that the claims now more clearly require the programs be part of a linear schedule of shows. This term of art is widely understood to mean a channel that provides predetermined programming according to a predetermined schedule. This limitation appeared in prior claims 8 and 9, but is further clarified in the amendments. Both Ottesen and Garfinkle are video-on-demand systems, which is the antithesis of watching a linearly programmed show. Ottesen, abstract, last sentence; Garfinkle, abstract, second word. For the reasons stated previously and the above argument, reconsideration is respectfully requested.

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Interview Request

Should further action be required before allowance of this application, Applicant hereby requests an interview. The subject matter of this application is complex and discussing the issues before further action would be helpful in any further prosecution. The undersigned can be reached by telephone at 303-571-4000.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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